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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**  
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10 TODD CRECELIUS,

11 Plaintiff,

12 v.

13 LAS VEGAS METROPOLITAN POLICE  
14 DEPARTMENT, *et al.*,

15 Defendants.

Case No. 2:11-CV-00382-KJD-CWH

**ORDER**

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17 Presently before the Court is the Order and Recommendation (#43) of Magistrate Judge Carl  
18 W. Hoffman recommending that Defendants' Motion to Dismiss (#32) be granted. Plaintiff's  
19 mother, acting ostensibly as his attorney-in-fact, filed Objections (#45) to the order and  
20 recommendation. The Court has conducted a *de novo* review of the record in this case in accordance  
21 with 28 U.S.C. § 636(b)(1) and LR IB 3-2. The Court finds that the Order and Recommendation  
22 (#43) of the United States Magistrate Judge entered September 14, 2012, should be adopted and  
23 affirmed.

24 Plaintiff failed to appear for two scheduled depositions when he was represented by counsel.  
25 He also failed to appear for the hearing on his counsel's motion to withdraw, even though he was  
26 ordered by the Court to do so. He then failed to appear for a show cause hearing set by the

1 magistrate judge. Despite the eleventh hour objections as to whether Plaintiff had notice, no  
2 admissible evidence justifying Plaintiff's failure to appear at either deposition or either court hearing  
3 has been filed with the Court. Furthermore, it is doubtful Plaintiff's mother, even acting under a  
4 Durable Power of Attorney, can act as counsel for Plaintiff.

5 IT IS THEREFORE ORDERED that the Order and Recommendation (#43) of the United  
6 States Magistrate Judge entered September 14, 2012, is **ADOPTED** and **AFFIRMED**;

7 IT IS FURTHER ORDERED that Plaintiff's complaint is **DISMISSED with prejudice for**  
8 **failing to appear at his depositions and subsequent court hearings despite express orders**  
9 **requiring his presence**;

10 IT IS FURTHER ORDERED that Defendants' Motion to Dismiss (#32) is **GRANTED**;

11 IT IS FINALLY ORDERED that the Clerk of the Court enter **Judgment** for Defendants and  
12 against Plaintiff.

13 DATED this 11th day of February 2013.

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17 Kent J. Dawson  
18 United States District Judge  
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